HOUSE BILL No. 1954

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-42; IC 31-14-14; IC 31-17-4; IC 35-33-8-3.2.

Synopsis: Domestic violence. Requires a noncustodial parent's

visitation with a child to be supervised if the noncustodial parent's visitation with a child to be supervised if the noncustodial parent has been convicted of battery involving domestic violence or has demonstrated a pattern of domestic violence. Establishes a specific schedule for visitation after the conclusion of supervised visitation. Provides that the visitation provisions apply to both dissolution of marriage and paternity cases. Prohibits a court from releasing a defendant on personal recognizance if the defendant is charged with an offense involving domestic violence. Makes conforming changes.

Effective: July 1, 1999.

Summers

January 26, 1999, read first time and referred to Committee on Human Affairs.



First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1954

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 31-9-2-42 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 42. "Domestic
violence", for purposes of IC 31-14-13-2, IC 31-14-14-1.5, IC 31-15,
IC 31-16, and IC 31-17, includes conduct found by a court to be
physical or sexual abuse against a party or child of a party, including
conduct that is an element of an offense under IC 35-42, regardless of
whether the conduct results in a criminal prosecution or occurs in the
presence of a child of the parties. The term does not include:

- (1) negligence or defamation by one (1) parent against the other parent or the child; or
- (2) reasonable acts of self defense used to protect a parent or child from the conduct of the other parent.

SECTION 2. IC 31-14-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. **Except as provided by section 1.5 of this chapter,** a noncustodial parent is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation might:



1

10

11 12

13

14

15

16 17

1999

У

1	(1) endanger the child's physical health and well-being; or	
2	(2) significantly impair the child's emotional development.	
3	SECTION 3. IC 31-14-14-1.5 IS ADDED TO THE INDIANA	
4	CODE AS A NEW SECTION TO READ AS FOLLOWS	
5	[EFFECTIVE JULY 1, 1999]: Sec. 1.5. (a) This section applies if the	
6	court finds, after a hearing, that:	
7	(1) the noncustodial parent has:	
8	(A) been convicted of:	
9	(i) battery under IC 35-42-2-1 for an incident involving	
.0	domestic violence; or	
1	(ii) a crime in another jurisdiction in which the elements	
.2	of the crime are substantially similar to the crime	
.3	described in subdivision (a)(1); or	
4	(B) demonstrated a repeated pattern of domestic violence;	
.5	and	
6	(2) visitation between the child and the noncustodial parent	
.7	will not:	
8	(A) endanger the child's physical health and well-being; or	
9	(B) significantly impair the child's emotional development.	
20	(b) The court shall order that the noncustodial parent's	
21	visitation with the child be supervised:	
22	(1) by a person; and	
23	(2) for a period;	
24	that the court considers appropriate.	
25	(c) After the expiration of the period determined by the court	
26	under subsection $(b)(2)$, the court shall order visitation as follows:	
27	(1) The noncustodial parent shall be entitled to physical	7
28	custody of the child at the following times:	
29	(A) Alternating weekends from 6 p.m. Friday to 7 p.m.	
80	Sunday.	
31	(B) Every Wednesday evening from 5 p.m. to 8 p.m. If the	
32	child is involved in a school or extracurricular activity that	
33	evening, the noncustodial parent shall take the child to and	
34	from the activity. If the activity lasts beyond 8 p.m., the	
35	noncustodial parent's visitation must conclude when the	
36	noncustodial parent returns the child to the custodial	
37	parent's home directly after the activity.	
88	(C) The noncustodial parent's birthday from 9 a.m. to 7	
89	p.m.	
10	(D) If the noncustodial parent is the child's mother,	
1	Mother's Day weekend from 6 p.m. Friday to 7 p.m.	
12	Sunday	



1	(E) If the noncustodial parent is the child's father, Father's
2	Day weekend from 6 p.m. Friday to 7 p.m. Sunday.
3	(F) In years ending in an odd number, the following:
4	(i) The night before the child's birthday from 5 p.m. to 8
5	p.m.
6	(ii) Spring vacation from 6 p.m. Friday to 7 p.m. the
7	Sunday before school resumes. If the child is not of
8	school age, the period shall be determined by the
9	vacation period of the public grade school in the
.0	custodial parent's school district.
.1	(iii) Memorial Day weekend from 6 p.m. Friday to 7 p.m.
.2	Monday.
.3	(iv) Independence Day from 6 p.m. July 3 to 7 p.m. July
4	5.
.5	(v) Thanksgiving holiday from 6 p.m. Wednesday to 7
.6	p.m. Sunday.
.7	(vi) Christmas Day from noon to 9 p.m.
.8	(vii) The second half of the child's Christmas vacation
.9	from school, with the period being counted from the
20	evening the child is released from school to the evening
21	before school resumes. If the child is not of school age,
22	the time period shall be determined by the vacation
23	period of the public grade school in the custodial
24	parent's school district.
25	(G) In years ending in an even number, the following:
26	(i) The child's birthday.
27	(ii) Easter weekend from 6 p.m. Good Friday to 7 p.m.
28	Easter Sunday.
29	(iii) Labor Day weekend from 6 p.m. Friday to 7 p.m.
80	Monday.
31	(iv) Halloween evening from 6 p.m. to 9 p.m.
32	(v) Fall vacation from school from 6 p.m. the evening the
33	child is released from school to 7 p.m. the evening before
34	school resumes. If the child is not of school age, the
35	period shall be determined by the vacation period of the
36	public grade school in the custodial parent's school
37	district.
88	(vi) Except for Christmas Day from noon to 9 p.m., the
89	first half of the child's Christmas vacation from school,
Ю	with the period being counted from the evening the child
1	is released from school to the evening before school
12.	resumes. If the child is not of school age, the period shall



1	be determined by the vacation period of the public grade
2	school in the custodial parent's school district.
3	(H) If the child is not of school age, two (2) weeks in June
4	and two (2) weeks in July, with the weeks to be determined
5	by May 1 of each year. If the noncustodial parent's
6	visitation under this provision is more than three (3)
7	consecutive weeks, the noncustodial parent shall arrange
8	a forty-eight (48) hour continuous period of visitation
9	between the child and the custodial parent, unless the
10	noncustodial parent:
11	(i) has long distance travel plans with the child that make
12	this visitation with the custodial parent impractical; or
13	(ii) lives more than sixty (60) mile from the county of
14	residence of the custodial parent.
15	(I) If the child is of school age:
16	(i) two (2) nonconsecutive three (3) week periods, if the
17	child's summer vacation is twelve (12) weeks long; or
18	(ii) one half $(1/2)$ of the child's summer vacation, if the
19	child's summer vacation is less than twelve (12) weeks
20	long.
21	The periods of extended visitation under this subdivision
22	must be determined by May 1 of each year.
23	(2) The custodial parent shall be entitled to physical custody
24	of the child at the following times:
25	(A) The custodial parent's birthday from 9 a.m. to 7 p.m.
26	(B) If the custodial parent is the child's mother, Mother's
27	Day weekend from 6 p.m. Friday to 7 p.m. Sunday.
28	(C) If the custodial parent is the child's father, Father's
29	Day weekend from 6 p.m. Friday to 7 p.m. Sunday.
30	(D) In years ending in an even number, the following:
31	(i) The night before the child's birthday from 5 p.m. to 8
32	p.m.
33	(ii) Spring vacation from 6 p.m. Friday to 7 p.m. the
34	Sunday before school resumes. If the child is not of
35	school age, the period shall be determined by the
36	vacation period of the public grade school in the
37	custodial parent's school district.
38	(iii) Memorial Day weekend from 6 p.m. Friday to 7 p.m.
39	Monday.
40	(iv) Independence Day from 6 p.m. July 3 to 7 p.m. July
41	5.
42	(v) Thanksgiving holiday from 6 p.m. Wednesday to 7



1	p.m. Sunday.
2	(vi) Christmas Day from noon to 9 p.m.
3	(vii) The second half of the child's Christmas vacation
4	from school, with the period being counted from the
5	evening the child is released from school to the evening
6	before school resumes. If the child is not of school age,
7	the period shall be determined by the vacation period of
8	the public grade school in the custodial parent's school
9	district.
10	(E) In years ending in an odd number, the following:
11	(i) The child's birthday.
12	(ii) Easter weekend from 6 p.m. Good Friday to 7 p.m.
13	Easter Sunday.
14	(iii) Labor Day weekend from 6 p.m. Friday to 7 p.m.
15	Monday.
16	(iv) Halloween evening from 6 p.m. to 9 p.m.
17	(v) Fall vacation from school from 6 p.m. the evening the
18	child is released from school to 7 p.m. the evening before
19	school resumes. If the child is not of school age, the
20	period shall be determined by the vacation period of the
21	public grade school in the custodial parent's school
22	district.
23	(vi) Except for Christmas Day from noon to 9 p.m., the
24	first half of the child's Christmas vacation from school,
25	with the period being counted from the evening the child
26	is released from school to the evening before school
27	resumes. If the child is not of school age, the period shall
28	be determined by the vacation period of the public grade
29	school in the custodial parent's school district.
30	(F) If the child is of school age, at least two (2) consecutive
31	weeks each summer, during which time the noncustodial
32	parent has no visitation rights under subdivision (1)(A) or
33	(1)(B).
34	(3) If there is a conflict between alternate weekend visitation
35	and the specific visitation periods of this section, the specific
36	visitation supersedes the alternate weekend visitation.
37	(4) Except for either parent's exercise of extended summer
38	visitation, if the child is with one (1) parent for two (2)
39	consecutive weekends, the parent that did not have physical
40	custody of the child for those two (2) weekends shall have the
41	child for the following weekend and the parties shall then
42	reestablish alternate weekend visitation. Unless the parents



1	agree otherwise, this provision does not apply if the parents
2	agree to trade weekends.
3	(5) Unless the parties agree otherwise, the noncustodial parent
4	shall pick up the child from the custodial parent's home and
5	return the child to the custodial parent's home at the time
6	specified. The custodial parent shall have the child ready for
7	visitation at the time the noncustodial parent is to pick up the
8	child and shall be present at home to receive the child when
9	the noncustodial parent returns the child.
10	(6) The noncustodial parent shall give the custodial parent
11	three (3) days prior notice if the noncustodial parent does not
12	intend to exercise visitation. If an emergency exists, the
13	noncustodial parent shall give such notice as is possible under
14	the circumstances.
15	(7) If the noncustodial parent misses visitation as the result of:
16	(A) illness of the child or noncustodial parent;
17	(B) an emergency; or
18	(C) other such reasonable excuse;
19	the parties shall make a good faith effort to make up a portion
20	of that visitation within a reasonable period.
21	(8) Each parent shall supply the other parent with that
22	parent's current address and telephone number. Each parent
23	shall allow liberal and reasonable telephone and mail
24	privileges between the child and the other parent.
25	(9) If the parties mutually agree to permanently change the
26	provisions of the visitation schedule under this section, the
27	parties must petition the court to approve and order that
28	change. If the parties do not obtain a court order, the court is
29	not bound by any alleged agreement of the parties.
30	(10) The court may alter any visitation period specified by this
31	section if the alternate arrangement:
32	(A) is necessary because of:
33	(i) either parent's work schedule;
34	(ii) the child's school or extracurricular activities; or
35	(iii) observance of religious holidays other than those
36	addressed by this section; and
37	(B) allows for visitation periods for both the noncustodial
38	parent and the custodial parent that are similar to the
39	visitation periods under this section.
40	SECTION 4. IC 31-17-4-1 IS AMENDED TO READ AS
41	FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided
42	by section 1.5 of this chapter, a parent not granted custody of the



1	child is entitled to reasonable visitation rights unless the court finds,	
2	after a hearing, that visitation by the noncustodial parent might:	
3	(1) endanger the child's physical health; or	
4	(2) significantly impair the child's emotional development.	
5	SECTION 5. IC 31-17-4-1.5 IS ADDED TO THE INDIANA CODE	
6	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
7	1, 1999]: Sec. 1.5. (a) This section applies if the court finds, after a	
8	hearing, that:	
9	(1) the noncustodial parent has:	
10	(A) been convicted of:	
11	(i) battery under IC 35-42-2-1 for an incident involving	
12	domestic violence; or	
13	(ii) a crime in another jurisdiction in which the elements	
14	of the crime are substantially similar to the crime	
15	described in subdivision (a)(1); or	
16	(B) demonstrated a repeated pattern of domestic violence;	
17	and	
18	(2) visitation between the child and the noncustodial parent	
19	will not:	
20	(A) endanger the child's physical health and well-being; or	
21	(B) significantly impair the child's emotional development.	
22	(b) The court shall order that the noncustodial parent's	
23	visitation with the child be supervised:	
24	(1) by a person; and	
25	(2) for a period;	
26	that the court considers appropriate.	
27	(c) After the expiration of the period determined by the court	
28	under subsection $(b)(2)$, the court shall order visitation as follows:	
29	(1) The noncustodial parent shall be entitled to physical	
30	custody of the child at the following times:	
31	(A) Alternating weekends from 6 p.m. Friday to 7 p.m.	
32	Sunday.	
33	(B) Every Wednesday evening from 5 p.m. to 8 p.m. If the	
34	child is involved in a school or extracurricular activity that	
35	evening, the noncustodial parent shall take the child to and	
36	from the activity. If the activity lasts beyond 8 p.m., the	
37	noncustodial parent's visitation shall conclude when the	
38	noncustodial parent returns the child to the custodial	
39	parent's home directly after the activity.	
40	(C) The noncustodial parent's birthday from 9 a.m. to 7	
41	p.m.	
42	(D) If the noncustodial parent is the child's mother,	



1	Mother's Day weekend from 6 p.m. Friday to 7 p.m.
2	Sunday.
3	(E) If the noncustodial parent is the child's father, Father's
4	Day weekend from 6 p.m. Friday to 7 p.m. Sunday.
5	(F) In years ending in an odd number, the following:
6	(i) The night before the child's birthday from 5 p.m. to 8
7	p.m.
8	(ii) Spring vacation from 6 p.m. Friday to 7 p.m. the
9	Sunday before school resumes. If the child is not of
10	school age, the period shall be determined by the
11	vacation period of the public grade school in the
12	custodial parent's school district.
13	(iii) Memorial Day weekend from 6 p.m. Friday to 7 p.m.
14	Monday.
15	(iv) Independence Day from 6 p.m. July 3 to 7 p.m. July
16	5.
17	(v) Thanksgiving holiday from 6 p.m. Wednesday to 7
18	p.m. Sunday.
19	(vi) Christmas Day from noon to 9 p.m.
20	(vii) The second half of the child's Christmas vacation
21	from school, with the period being counted from the
22	evening the child is released from school to the evening
23	before school resumes. If the child is not of school age,
24	the period shall be determined by the vacation period of
25	the public grade school in the custodial parent's school
26	district.
27	(G) In years ending in an even number, the following:
28	(i) The child's birthday.
29	(ii) Easter weekend from 6 p.m. Good Friday to 7 p.m.
30	Easter Sunday.
31	(iii) Labor Day weekend from 6 p.m. Friday to 7 p.m.
32	Monday.
33	(iv) Halloween evening from 6 p.m. to 9 p.m.
34	(v) Fall vacation from school from 6 p.m. the evening the
35	child is released from school to 7 p.m. the evening before
36	school resumes. If the child is not of school age, the
37	period shall be determined by the vacation period of the
38	public grade school in the custodial parent's school
39	district.
40	(vi) Except for Christmas Day from noon to 9 p.m., the
41	first half of the child's Christmas vacation from school,
42	with the period being counted from the evening the child



1	is released from school to the evening before school
2	resumes. If the child is not of school age, the period shall
3	be determined by the vacation period of the public grade
4	school in the custodial parent's school district.
5	(H) If the child is not of school age, two (2) weeks in June
6	and two (2) weeks in July, with the weeks to be determined
7	by May 1 of each year. If the noncustodial parent's
8	visitation under this provision is more than three (3)
9	consecutive weeks, the noncustodial parent shall arrange
.0	a forty-eight (48) hour continuous period of visitation
.1	between the child and the custodial parent, unless the
2	noncustodial parent:
.3	(i) has long distance travel plans with the child that make
4	this visitation with the custodial parent impractical; or
.5	(ii) lives more than sixty (60) mile from the county of
6	residence of the custodial parent.
.7	(I) If the child is of school age:
8	(i) two (2) nonconsecutive three (3) week periods, if the
9	child's summer vacation is twelve (12) weeks long; or
20	(ii) one half $(1/2)$ of the child's summer vacation, if the
21	child's summer vacation is less than twelve (12) weeks
22	long.
23	The periods of extended visitation under this subdivision
24	must be determined by May 1 of each year.
25	(2) The custodial parent shall be entitled to physical custody
26	of the child at the following times:
27	(A) The custodial parent's birthday from 9 a.m. to 7 p.m.
28	(B) If the custodial parent is the child's mother, Mother's
29	Day weekend from 6 p.m. Friday to 7 p.m. Sunday.
80	(C) If the custodial parent is the child's father, Father's
31	Day weekend from 6 p.m. Friday to 7 p.m. Sunday.
32	(D) In years ending in an even number, the following:
3	(i) The night before the child's birthday from 5 p.m. to 8
34	p.m.
35	(ii) Spring vacation from 6 p.m. Friday to 7 p.m. the
86	Sunday before school resumes. If the child is not of
37	school age, the period shall be determined by the
88	vacation period of the public grade school in the
89	custodial parent's school district.
Ю	(iii) Memorial Day weekend from 6 p.m. Friday to 7 p.m.
1	Monday.
12	(iv) Independence Day from 6 p.m. July 3 to 7 p.m. July



1	5.
2	(v) Thanksgiving holiday from 6 p.m. Wednesday to 7
3	p.m. Sunday.
4	(vi) Christmas Day from noon to 9 p.m.
5	(vii) The second half of the child's Christmas vacation
6	from school, with the period being counted from the
7	evening the child is released from school to the evening
8	before school resumes. If the child is not of school age,
9	the period shall be determined by the vacation period of
.0	the public grade school in the custodial parent's school
1	district.
2	(E) In years ending in an odd number, the following:
.3	(i) The child's birthday.
.4	(ii) Easter weekend from 6 p.m. Good Friday to 7 p.m.
.5	Easter Sunday.
.6	(iii) Labor Day weekend from 6 p.m. Friday to 7 p.m.
7	Monday.
.8	(iv) Halloween evening from 6 p.m. to 9 p.m.
9	(v) Fall vacation from school from 6 p.m. the evening the
20	child is released from school to 7 p.m. the evening before
21	school resumes. If the child is not of school age, the
22	period shall be determined by the vacation period of the
23	public grade school in the custodial parent's school
24	district.
25	(vi) Except for Christmas Day from noon to 9 p.m., the
26	first half of the child's Christmas vacation from school,
27	with the period being counted from the evening the child
28	is released from school to the evening before school
29	resumes. If the child is not of school age, the period shall
80	be determined by the vacation period of the public grade
31	school in the custodial parent's school district.
32	(F) If the child is of school age, at least two (2) consecutive
33	weeks each summer, during which time the noncustodial
34	parent has no visitation rights under subdivision (1)(A) or
35	$(1)(\mathbf{B}).$
86	(3) If there is a conflict between alternate weekend visitation
37	and the specific visitation periods of this section, the specific
88	visitation supersedes the alternate weekend visitation.
89	(4) Except for either parent's exercise of extended summer
10	visitation, if the child is with one parent for two (2)
1	consecutive weekends, the parent that did not have physical
12	custody of the child for those two (2) weekends shall have the



1	child for the following weekend and the parties shall then
2	reestablish alternate weekend visitation. Unless the parents
3	agree otherwise, this provision does not apply if the parents
4	agree to trade weekends.
5	(5) Unless the parties agree otherwise, the noncustodial parent
6	shall pick up the child from the custodial parent's home and
7	return the child to the custodial parent's home at the time
8	specified. The custodial parent shall have the child ready for
9	visitation at the time the noncustodial parent is to pick up the
10	child and shall be present at home to receive the child when
11	the noncustodial parent returns the child.
12	(6) The noncustodial parent shall give the custodial parent
13	three (3) days prior notice if the noncustodial parent does not
14	intend to exercise visitation. If an emergency exists, the
15	noncustodial parent shall give such notice as is possible under
16	the circumstances.
17	(7) If the noncustodial parent misses visitation as the result of:
18	(A) illness of the child or noncustodial parent;
19	(B) an emergency; or
20	(C) other such reasonable excuse;
21	the parties shall make a good faith effort to make up a portion
22	of that visitation within a reasonable period.
23	(8) Each parent shall supply the other parent with that
24	parent's current address and telephone number. Each parent
25	shall allow liberal and reasonable telephone and mail
26	privileges between the child and the other parent.
27	(9) If the parties mutually agree to permanently change the
28	provisions of the visitation schedule under this section, the
29	parties must petition the court to approve and order that
30	change. If the parties do not obtain a court order, the court is
31	not bound by any alleged agreement of the parties.
32	(10) The court may alter any visitation period specified by this
33	section if the alternate arrangement:
34	(A) is necessary because of:
35	(i) either parent's work schedule;
36	(ii) the child's school or extracurricular activities; or
37	(iii) observance of religious holidays other than those
38	addressed by this section; and
39	(B) allows for visitation periods for both the noncustodial
40	parent and the custodial parent that are similar to the
41	visitation periods under this section.
12	SECTION 6 IC 35-33-8-32 IS AMENDED TO READ AS



1	FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.2. (a) A court may
2	admit a defendant to bail and impose any of the following conditions
3	to assure the defendant's appearance at any stage of the legal
4	proceedings, or, upon a showing of clear and convincing evidence that
5	the defendant poses a risk of physical danger to another person or the
6	community, to assure the public's physical safety:
7	(1) Require the defendant to:
8	(A) execute a bail bond with sufficient solvent sureties;
9	(B) deposit cash or securities in an amount equal to the bail;
10	(C) execute a bond secured by real estate in the county, where
11	thirty-three hundredths (0.33) of the true tax value less
12	encumbrances is at least equal to the amount of the bail;
13	(D) post a real estate bond.
14	The defendant must also pay the fee required by subsection (d).
15	(2) Require the defendant to execute a bail bond by depositing
16	cash or securities with the clerk of the court in an amount not less
17	than ten percent (10%) of the bail. If the defendant is convicted,
18	the court may retain all or a part of the cash or securities to pay
19	fines, costs, fees, and restitution, if ordered by the court. A portion
20	of the deposit, not to exceed ten percent (10%) of the monetary
21	value of the deposit or fifty dollars (\$50), whichever is the lesser
22	amount, may be retained as an administrative fee. The clerk shall
23	also retain from the deposit under this subdivision the following:
24	(A) The fee required by subsection (d).
25	(B) Fines, costs, fees, and restitution as ordered by the court.
26	(C) Publicly paid costs of representation that shall be disposed
27	of in accordance with subsection (b).
28	(D) In the event of the posting of a real estate bond, the bond
29	shall be used only to insure the presence of the defendant at
30	any stage of the legal proceedings, but shall not be foreclosed
31	for the payment of fines, costs, fees, or restitution.
32	The individual posting bail for the defendant or the defendant
33	admitted to bail under this subdivision must be notified by the
34	sheriff, court, or clerk that the defendant's deposit may be
35	forfeited under section 7 of this chapter or retained under
36	subsection (b).
37	(3) Impose reasonable restrictions on the activities, movements,
38	associations, and residence of the defendant during the period of
39	release.
40	(4) Require the defendant to refrain from any direct or indirect
41	contact with an individual.

(5) Place the defendant under the reasonable supervision of a



1	probation officer or other appropriate public official.
2	(6) Release the defendant into the care of a qualified person or
3	organization responsible for supervising the defendant and
4	assisting the defendant in appearing in court. The supervisor shall
5	maintain reasonable contact with the defendant in order to assist
6	the defendant in making arrangements to appear in court and,
7	where appropriate, shall accompany the defendant to court. The
8	supervisor need not be financially responsible for the defendant.
9	(7) Release the defendant on personal recognizance unless the
10	defendant is charged with an offense involving domestic
11	violence (as defined in IC 31-9-2-42) or:
12	(A) the state presents evidence relevant to a risk by the
13	defendant:
14	(i) of nonappearance; or
15	(ii) to the physical safety of the public; and
16	(B) the court finds by a preponderance of the evidence that the
17	risk exists.
18	(8) Impose any other reasonable restrictions designed to assure
19	the defendant's presence in court or the physical safety of another
20	person or the community.
21	(b) Within thirty (30) days after disposition of the charges against
22	the defendant, the court that admitted the defendant to bail shall order
23	the clerk to remit the amount of the deposit remaining under subsection
24	(a)(2) to the defendant. The portion of the deposit that is not remitted
25	to the defendant shall be deposited by the clerk in the supplemental
26	public defender services fund established under IC 33-9-11.5.
27	(c) For purposes of subsection (b), "disposition" occurs when the
28	indictment or information is dismissed, or the defendant is acquitted or
29	convicted of the charges.
30	(d) Except as provided by subsection (e), the clerk of the court shall:
31	(1) collect a fee of five dollars (\$5) for each bond or deposit under
32	subsection (a)(1); and
33	(2) retain a fee of five dollars (\$5) from each deposit under
34	subsection (a)(2).
35	The clerk of the court shall semiannually remit these fees to the board
36	of trustees of the public employees' retirement fund for deposit into the
37	special death benefit fund. The fee required by subdivision (2) is in
38	addition to the administrative fee retained under subsection (a)(2). This
39	subsection expires December 31, 1998.
40	(e) With the approval of the clerk of the court, the county sheriff
41	may collect the bail and fees required by subsection (d). The county



1999

sheriff shall remit the bail to the clerk of the court by the following

1	business day and remit monthly the five dollar (\$5) special death
2	benefit fee to the county auditor.
3	(f) When a court imposes a condition of bail described in subsection
4	(a)(4):
5	(1) the clerk of the court shall comply with IC 5-2-9; and
6	(2) the prosecuting attorney shall file a confidential form
7	prescribed or approved by the division of state court
8	administration with the clerk.



